

Sixth Appellate District

San Jose, California

MONDAY, APRIL 19, 2010

H032711 PEOPLE v. AGUILAR

The judgment and order of restitution are affirmed. (not published)
(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)
Filed April 19, 2010

The following cases are submitted this date:

H034048 PEOPLE v. HOPKINS

H033413 PEOPLE v. HOPKINS

TUESDAY, APRIL 20, 2010

The following cases are submitted this date:

H033733 PEOPLE v. GALIA

H034527 BRATTON on Habeas Corpus

H033519 PEOPLE v. GOMBERG

The submission order filed March 4, 2010, is hereby vacated. Respondent's request for judicial notice is granted. The court will take judicial notice of the record in its case no. H029091, Gomberg v. Superior Court (People). The cause is ordered resubmitted.

Filed April 20, 2010

H033090 PEOPLE v. SCHULER

The order of June 18, 2008 committing appellant Brian Schuler to the custody of the State Department of Mental Health for an indeterminate term for appropriate treatment and confinement in a secure facility is reversed and remanded for the limited purpose, as stated in *People v. McKee* (2010) 47 Cal.4th 1172, 1208, of allowing the People to demonstrate "the constitutional justification for imposing on SVP's a greater burden than is imposed on MDO's and NGI's in order to obtain release from commitment." (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed April 20, 2010

Sixth Appellate District

San Jose, California

Tuesday, April 20, 2010 (continued)

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; McAdams, J and LaNae Brooks, Deputy Clerk.

H032685 PEOPLE v. ROCHA

Cause called and argued by Frank J. McCabe appearing for Appellant and by John H. Deist, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H033079 PEOPLE v. DATT

Cause called and argued by Victor D. Vertner appearing for Appellant and by Linda M. Murphy, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Mihara, J. leaves the bench. Duffy, J. takes the bench

H032824 PEOPLE v. RODRIGUEZ, et. al

Cause called and argued by Jeffrey A. Glick appearing for Appellant Samaro and by Frank J. McCabe appearing for Appellant Herrera and by Danalynn Pritz appearing for Appellant Rodriguez and by Jeffrey M. Laurence, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H033049 PRESTON AVERY, et al. v. COUNTY OF SANTA CLARA, et al.

Cause called and argued by Marc G. Hynes appearing for Appellants and by Lizanne Reynolds, Deputy County Counsel, appearing for Respondents. Cause ordered submitted. Court is in recess until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; Duffy, J.; and Beth Miller, Deputy Clerk.

H033896 PEOPLE v. LARA

Cause called and argued by Theodore Stalcup appearing for Appellant and by Donna Provenzano, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, April 20, 2010 (continued)

H034161 PEOPLE v. FERNANDEZ

Cause called and argued by Morgan H. Daly appearing for Appellant and by Aileen Bunney, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Mihara, J. leaves the bench and McAdams, J. takes the bench.

H033570 VARGAS v. SUPERIOR COURT; BISSETT, et al.

Cause called and argued by Barri Kaplan Bonapart appearing for Petitioner and by Jose Anthony Montalvo appearing for Real Parties in Interest. Cause ordered submitted. Court is adjourned.

H034665 PEOPLE v. G.V.

The orders of July 30 and August 26, 2009, are affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)
Filed April 20, 2010

THURSDAY, APRIL 22, 2010

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Elia, Acting P.J.; Mihara, J.; McAdams, J.; and S. Nasson, Deputy Clerk.

H033762 PEOPLE v. NGUYEN

Cause called and argued by Ellise Nicholson appearing for Appellant and by David Baskind, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H033788 CALIFORNIA TEACHERS ASSOCIATION, et al. v. GOVERNING BOARD OF THE SALINAS CITY ELEMENTARY SCHOOL DISTRICT, et al.

Cause called and argued by Ernest Tuttle appearing for Appellants and by Keith Breon appearing for Respondents. Cause ordered submitted.

H033617 FESSENDEN, et al. v. ONTHANK, et al.

Cause called and argued by Dennis Law appearing for Appellants and by Debra Tipton appearing for Appellants. Cause ordered submitted.

Elia, Acting P.J. leaves the bench. Duffy, J. takes the bench.

Sixth Appellate District

San Jose, California

Thursday, April 22, 2010 (continued)

H033312 PEOPLE v. KARIMPOUR

Cause called and argued by George Schraer appearing for Appellant and by Michael Banister, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H033482 CABLE v. SHRINERS HOSPITALS FOR CHILDREN, et al.

Cause called and argued by Russell Hanlon appearing for Appellant and by Paul Barulich appearing for Respondents. Cause ordered submitted. Court adjourns.

H034600 PEOPLE v. R.S.

The juvenile court's order is hereby modified so that condition 15 reads as follows: "That said minor not post, display or transmit on or through the minor's cell phone any photographs of symbols or gestures that the minor knows, or which the Probation Officer has informed him to be gang-related." As so modified, the order is affirmed.

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed April 22, 2010

H034456 PEOPLE v. SAECHAO

We modify the order of probation by striking the provision directing defendant to pay \$100 in attorney's fees pursuant to section 987.8. As modified, the order is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed April 22, 2010

H034034 PEOPLE v. CABRERA

The order denying appellant's section 1016.5 motion to vacate judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed April 22, 2010

H033439 PEOPLE v. MARSHALL

The judgment is reversed. (not published)

(Mihara, J.; We concur: Elia, Acting P.J., McAdams, J.)

Filed April 22, 2010

Sixth Appellate District

San Jose, California

Thursday, April 22, 2010 (continued)

H034250 PEOPLE v. DAVIS

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Elia, Acting P.J., McAdams, J.)
Filed April 22, 2010

The following case is are submitted this date:

H034588 PEOPLE v. BARRIENTOS

FRIDAY, APRIL 23, 2010

(no minute approved orders)